

Message Text

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ORIGIN NODS-00

INFO OCT-01 ISO-00 /001 R

DRAFTED BY NEA:SSOBER:LAB

APPROVED BY NEA:SSOBER

EB:TENDERS

L:GHALDRICH

S/S - MR. BORG

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Z 271717Z AUG 75 ZFF4

FM SECSTATE WASHDC

TO USDEL SECRETARY FLASH

S E C R E T STATE 203889 TOSEC 100221

NODIS

E.O. 11652: XGDS-3

TAGS: PFOR, XF, IS, US

SUBJECT: U.S.-ISRAELI MEMO OF UNDERSTANDING

REF.: JERUSALEM 1386

FOR ATHERTON AND LEIGH FROM SOBER, ENDERS, AND ALDRICH

1. REGRET DELAY IN RESPONSE BECAUSE OF COMMUNICATIONS
GAFFE HERE THAT DELAYED DELIVERY OF MESSAGE UNTIL OOB
AUGUST 27.

2. IN REVIEWING YOUR PROPOSED ALTERNATIVE FORMULATION
TO MEET ISRAELI OBJECTIONS, WE HAVE FOCUSSED ON WHAT MAY BE
ACCEPTABLE TO US IF NECESSARY TO MAKE AGREEMENT ACCEPTABLE
TO GOI.

(A) WE SEE NO LEGAL PROBLEM IN PROPOSED DISTINCTION
BETWEEN "NORMAL" AND "ESSENTIAL" REQUIREMENTS. WE DO

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ANTICIPATE THAT USG UNDERTAKING TO PROVIDE FOR ALL OF

ISRAEL'S NORMAL REQUIREMENTS COULD BE TROUBLESOME HERE, HOWEVER, ESPECIALLY IN CONNECTION WITH REMOVAL OF EARLIER PROPOSED THREE-YEAR LIMITATION AND UNCERTAINTY OVER POSSIBLE GROWTH IN ISRAELI "REQUIREMENTS" OVER INDEFINITE PERIOD AHEAD. AS YOU KNOW, CURRENT ISRAELI "REQUIREMENTS"

INCLUDE SOME 30,000 B/D OF CRUDE WHICH IS REFINED FOR PRODUCT EXPORT. PREVIOUSLY PROPOSED GUARANTEE LIMITED TO MAXIMUM OF 125,000 B/D WOULD SEEM AMPLE, ESPECIALLY WHEN MEASURED AGAINST CURRENT OFF-TAKE OF 100,000 B/D FROM ABU RUDEIS WHICH IS ALL THAT ISRAEL IS BEING ASKED TO GIVE UP IN CONNECTION WITH CURRENT NEGOTIATIONS. THEREFORE BELIEVE SOME TIGHTER DEFINITION IS REQUIRED. WE SUGGEST THAT REFERENCE BE TO "ALL NORMAL REQUIREMENTS FOR DOMESTIC CONSUMPTION."

(B) LEGAL AUTHORITY FOR US TO UNDERTAKE COMMITMENT FOR THREE-YEAR PERIOD WOULD ALSO TECHNICALLY APPLY TO PERIOD OF OPEN-ENDED DURATION AS PROPOSED IN YOUR ALTERNATIVE. HOWEVER, EXTENDING COMMITMENT INDEFINITELY WOULD PROBABLY BE SUBJECT OF CONSIDERABLE CONTROVERSY HERE. OPEN-ENDED USG COMMITMENT IN PERPETUITY WOULD BE DIFFICULT TO DEFEND. YOUR NEW PROPOSAL FOR ANNUAL OR MORE FREQUENT MUTUAL REVIEW OF ISRAELI REQUIREMENTS TENDS TO GIVE US SOME GREATER CONTROL THAN WOULD OTHERWISE EXIST, AND WE STRONGLY SUPPORT THAT PROPOSAL. FORESEEING POSSIBLE QUESTIONS ABOUT OPEN-ENDED COMMITMENT, HOWEVER, IT WOULD APPEAR BETTER IF POSSIBLE TO RETAIN THE THREE-YEAR PERIOD AS ORIGINALLY PROPOSED, PERHAPS WITH PROVISION FOR REVIEW AT END OF THAT PERIOD AS TO POSSIBLE RENEWAL.

(C) WE HAVE SOME DIFFICULTY WITH DEFINITION OF "ISRAEL'S ESSENTIAL REQUIREMENTS IN ACCORDANCE WITH THE IEA CONSERVATION AND ALLOCATION FORMULA AS APPLIED BY THE USG." PURPOSE OF MENTIONING IEA FORMULA IN ORIGINAL DRAFT WAS TO INDICATE THAT IN SITUATION OF CONSTRAINT ON U.S. SUPPLY, ISRAELIS WOULD TIGHTEN BELTS AT LEAST AS MUCH AS AMERICANS. ON OTHER HAND, IT IS HARD TO SEE HOW ISRAEL'S "ESSENTIAL" REQUIREMENT COULD BE A FACTOR, UP OR DOWN, OF ANY EXTERNALLY AGREED FORMULA SUCH AS IEA.

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IF WE ARE TO UNDERTAKE TO PROVIDE FOR ISRAEL'S ESSENTIAL REQUIREMENT, IT WOULD SEEM BETTER TO SAY JUST THAT AND TO DELETE THE CLAUSE REFERRING TO IEA FORMULA. DEFINITION OF WHAT CONSTITUTES ISRAEL'S ESSENTIAL REQUIREMENT WOULD THEN OBVIOUSLY STILL BE OPEN FOR DISCUSSION AND THAT WOULD ALLOW US MORE FLEXIBILITY FOR REDUCTION, IF DICTATED BY CIRCUMSTANCES, THAN WE WOULD HAVE BY ARITHMETIC APPLICATION OF THE IEA FORMULA. THEREFORE WE SUGGEST

THAT CLAUSE "IN ACCORDANCE WITH THE IEA CONSERVATION AND ALLOCATION FORMULA AS APPLIED BY THE USG" BE DELETED.

(D) CIRCUMSTANCES UNDER WHICH USG WOULD UNDERTAKE TO "ENSURE PROMPTLY THE PHYSICAL SUPPLY AND DELIVERY OF OIL TO ISRAEL" COULD OBVIOUSLY ENCOMPASS A SITUATION DURING WHICH HOSTILITIES WERE UNDER WAY IN THE MIDDLE EAST.

PROPOSED USG COMMITMENT WOULD WIDELY BE INTERPRETED AS INCLUDING UNDERTAKING TO PROVIDE SUCH MILITARY SUPPORT AS MIGHT BE NEEDED TO ENSURE OIL DELIVERY TO ISRAEL. WE ARE UNCERTAIN AS TO WHETHER YOU ARE AWARE OF REPORT WE HAD YESTERDAY ABOUT ARTICLE TO APPEAR IN AUGUST 27 BOSTON GLOBE, SUGGESTING THAT WE WERE PREPARED TO COMMIT U.S. WARSHIPS TO ESCORT TANKERS CARRYING OIL FROM U.S. TO ISRAEL IN ORDER TO ENSURE ITS DELIVERY. WE ARE REPEATING TO YOU GUIDANCE RECEIVED FROM SECRETARY'S PARTY ON HOW DEPARTMENT SPOKESMAN SHOULD DEAL WITH QUESTION ON THIS SUBJECT, RULING OUT ANY MILITARY COMMITMENTS AS PART OF AGREEMENT NOW UNDER NEGOTIATION. BELIEVE YOU WILL WISH TO FOCUS ON THIS POINT WITH THE SECRETARY.

(E) WE LIKE ADDITION OF CLAUSE "TO ITS ENERGY REQUIREMENTS" IN INTRODUCTORY UMBRELLA PARAGRAPH. THIS WILL BE HELPFUL INASMUCH AS THAT PARAGRAPH COMMITS US ONLY TO "MAKE EVERY EFFORT TO BE FULLY RESPONSIVE" WITHIN BOTH RESOURCES AND CONGRESSIONAL ACTION. IF PROVISION FOR OPEN-ENDED COMMITMENT IS NECESSARY AS AGAINST PREVIOUSLY PROPOSED THREE-YEAR DURATION, WE WILL BE ABLE TO REFER TO POSSIBLE LIMITATIONS UNDER THE UMBRELLA PARAGRAPH TO JUSTIFY THE OPEN-ENDED CLAUSE.

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3. WE ARE NOT CLEAR ABOUT INTENT OF CLAUSE (IN BOTH EARLIER AND ALTERNATIVE DRAFTS) WHERE WE ASSURE ISRAEL OF OUR INTENTION TO INFORM THE CONGRESS, ETC. THIS COULD IMPLY THAT SOME OTHER COMMITMENTS ARE NOT TO BE SUBMITTED TO THE CONGRESS.

4. GIVEN URGENCY AND LATENESS OF THIS RESPONSE, WE HAVE NOT SOUGHT ADDITIONAL CLEARANCES. INGERSOLL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TOSEC, AGREEMENT DRAFT, PEACE PLANS, NEGOTIATIONS, DIPLOMATIC DISCUSSIONS, CAT-C
Control Number: n/a
Copy: SINGLE
Draft Date: 27 AUG 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: SmithRJ
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE203889
Document Source: CORE
Document Unique ID: 00
Drafter: SSOBER:LAB
Enclosure: n/a
Executive Order: X3
Errors: N/A
Film Number: P850036-2287, N750003-0511
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750812/aaaaakpb.tel
Line Count: 162
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN NODS
Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: NODIS
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: NODIS
Reference: 75 JERUSALEM 1386
Review Action: RELEASED, APPROVED
Review Authority: SmithRJ
Review Comment: n/a
Review Content Flags:
Review Date: 12 AUG 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <12 AUG 2003 by KelleyW0>; APPROVED <02 DEC 2003 by SmithRJ>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: U.S.-ISRAELI MEMO OF UNDERSTANDING
TAGS: PFOR, PDEV, XF, IS, US, EG
To: SECRETARY
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006